

FINAL

Advisory Committee on Juvenile Justice

(Formerly the Virginia Juvenile Justice and Delinquency Prevention Advisory Committee)

Meeting Minutes

October 15-16, 2003

Approved January 20, 2004

Meeting Minutes

An informal meeting to introduce new members to the roles and responsibilities of the Advisory Committee on Juvenile Justice took place from 9am-12pm, on Wednesday, October 15, 2003, at the Sheraton Park South in Midlothian, Virginia.

The official business meeting of the Advisory Committee began at 1pm on Wednesday, October 15, 2003, for all committee members and continued until Thursday, October 16, 2003.

Members Present

Henry N. Azais
Pamela Fitzgerald Cooper, Proxy for Dr. Reinhard
Dr. Lissa Power deFur, Proxy for Dr. DeMary
Matthew T. Gowin
Lynette Greenfield, Proxy for Jerrauld Jones
Iris B. Jessie
Susan C. Laughrun
Charles S. Martin
Daniel L. Plaugher
Robert E. Shepherd, Jr.
Patrick Henry Sweet, III
Wayne Thomas, Chair
Ruby G. Turner
Justin Wilson
Gina E. Wood

Members Not Present

Emily M. Bryant
Guy E. Cousins
Russell B. Foot
The Honorable Mary K. Hill
The Honorable Janet D. Howell
Dr. Jay W. Malcan
The Honorable Robert J. McCabe
The Honorable Robert F. McDonnell
Cathleen Newbanks, Proxy for Maurice A. Jones
The Honorable Sharon Breeden Will

Guests Present

Susan Williams, Commonwealth's Attorneys' Services Council

Staff Present

Laurel Marks
Dr. Aura Hanna
Ursula Murdaugh
Will Bronson
Nancy Bacot
Laureen Hyman

The Business Meeting began at 1:00 for all committee members.

I. Welcome, Call to Order and Introductions

The meeting was called to order by the Vice-Chair, Wayne Thomas. New members were welcomed and all present introduced themselves to the group.

II. Review and Approval of Minutes

Wayne Thomas asked if there were any comments, additions or deletions to be made to the minutes from the June 15, 2003 meeting of the ACJJ. The minutes did not include Justin Wilson as having been in attendance. A motion was made by Daniel Plaughter and seconded that the minutes be approved once this change had been made. The motion passed unanimously.

III. Election of Officers

The Nomination Committee (consisting of Patrick Sweet, Pam Fitzgerald Cooper and Lissa Power deFur) presented the nominations for Wayne Thomas to become the new Chair of the Advisory Committee on Juvenile Justice and Susan Laughrun to become the new Vice-Chair.

A motion was made by Daniel Plaughter to approve these nominations. The motion was seconded and unanimously approved.

IV. Federal Reauthorization and Appropriations

Laurel Marks gave a presentation on the federal reauthorization of the JJDP Act, the 2003-2004 budget, and the status of the 2004 Appropriations. A handout was provided. She also provided an update on the status of the Coalition for Juvenile Justice.

V. Compliance Report

Will Bronson presented a compliance report for the committee and informed the group that Virginia is well on track to remaining compliant with all of the core requirements of the JJDP Act.

There was discussion regarding the "Sight and Sound" separation requirement of the JJDP Act.

VI. JABG Overview

Ursula Murdaugh explained the change in the name of the Juvenile Accountability Incentive Block Grant (JAIBG) to Juvenile Accountability Block Grant (JABG).

VII. State Agency Report

DMHMRSAS

Pamela Fitzgerald Cooper

Pamela Fitzgerald Cooper reviewed eight recommendations identified in the "Policy and Plan to Provide and Improve Access to Mental Health, Mental Retardation and Substance Abuse Services for Children, Adolescents and Their Families" which was provided as a handout. It was noted that funds designated for children are not mandated for CSA.

Department of Education

Dr. Lissa Power deFur

Dr. deFur gave a brief overview of the Department of Education and provided a handout of "Pocket Facts about Virginia Education" with information from last year.

Lynette Greenfield noted that DJJ could use DOE's attendance information to track truancy rates if it could eventually be entered into one database.

VIII. Legislative Presentation

Bob Shepherd

The Advisory Committee on Juvenile Justice has not been active on legislative issues in recent years. Committee members expressed an interest in becoming more active in reviewing juvenile justice legislation put before the General Assembly. DCJS' and DJJ's legislative proposals were distributed to the Advisory Committee to review.

DCJS

Elimination of Diagnostic Assessments at the Reception and Diagnostic Center of CHINS

§16.1-275 of the Code of Virginia needs to be amended to eliminate language allowing a juvenile who is alleged to be a "Child In Need of Services" (CHINS) to be placed in the temporary custody of DJJ for a 30 day diagnostic assessment prior to final disposition of the case. Placing a CHINS in DJJ custody would constitute a violation of a core provision of the Federal JJDP Act, possibly jeopardizing funds that Virginia receives. It is also bad practice to confine juveniles who have not committed a delinquent offense.

This proposal is designed to clean up the Code as it presents a potential violation with federal law as long as it is in the Code.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees

considering the bill. The motion was seconded and approved with 1 abstention (Charles Martin)

DJJ

1. The Timing of Appointing Counsel for Alleged Juvenile Delinquents

A similar bill was introduced last year by Delegate Moran. This proposal requires the appointment of an attorney for a child prior to a detention hearing unless an attorney has been retained and appears on behalf of the child. This would prevent the child from being placed in a detention home without benefit of counsel.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees considering the bill. The motion was seconded and approved with 1 abstention (Charles Martin)

2. The “Rocket Docket” for Incarcerated Juvenile Delinquents Awaiting Appeal in a Local Detention Facility

Amends §16.1-296 to limit the time frame for the circuit court to hear an appeal of a delinquency finding or disposition made by a juvenile court when the juvenile remains in a secure detention facility pending completion of the appeal.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees considering the bill. The motion was seconded and approved with 1 abstention (Charles Martin)

3. Allow the Intake Officer to Proceed Informally Against a Juvenile on More than One Occasion

This would allow a juvenile intake officer to proceed informally against a juvenile on more than one occasion if the juvenile is alleged to have committed an offense that would be a Class I misdemeanor if committed by an adult or is alleged to have committed a status offense.

There was much discussion on the matter.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees considering the bill.

Much discussion took place. There was a concern that this would allow the intake officer too much discretion and would lead to disparity in how cases are handled even within individual CSU's.

Wayne Thomas made a motion to defeat the previous motion based on the concerns of the Advisory Committee. The motion was seconded and approved with one abstention (Charles Martin).

A motion was made by Lissa Power deFur that DCJS convey to DJJ the Advisory Committee on Juvenile Justice's concern that the proposal allows too much discretion be given to the intake officer. The motion was seconded and approved, with one abstention (Charles Martin).

4. *Juveniles with Adult Sentences to be Supervised by Adult Probation Officers*

Requires the circuit court to designate if an adult probation or parole officer or a juvenile probation or parole officer will provide supervision of a juvenile convicted as an adult.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees considering the bill. The motion was seconded and approved with 1 abstention (Charles Martin)

5. *Intake Officer May Order the Confinement of a Person Over the Age of 18 in Jail.*

Amends Virginia Code §16.1-248.1 to give an intake officer the authority to place a person 18 years of age or older in an adult facility at the initial intake when the person is charged with violating parole or probation.

A motion was made by Bob Shepherd that the Advisory Committee go on record in support of this proposal and communicate to the Governor, Secretary of Public Safety and affected agency heads, its support of this bill and that if a bill is introduced that the Advisory Committee on Juvenile Justice communicate its support of it to the appropriate legislative committees considering the bill. The motion was seconded and approved with 2 abstentions (Charles Martin and Ruby Turner)

The committee asked that a meeting be scheduled during the legislative session to review pending legislation.

IX. Subcommittee Sign-up

Laurel Marks

A sign-up sheet was passed around during the meeting requesting that committee members sign up for a subcommittee if they are interested. There are currently 6 subcommittees:

1. Title II
2. Title V
3. JABG
4. Government relations
5. One Time Special Funds
6. Disproportionate Minority Contact

A motion was made by Hank Azais (at 4:15pm) to adjourn the meeting until Thursday. The motion was seconded and approved unanimously.

Thursday, October 16, 2003
9:00am-12:00pm Business Meeting

I. Commonwealth's Attorneys Services Council Update
Susan Williams

Ms. Williams explained how budget cuts have impacted the Council. 48 prosecutors were laid off statewide, so the council is now 147 attorneys short. This will affect the juvenile court as it takes more time to try a juvenile case, and they are short-handed.

II. Introduction to Decision Making
Laurel Marks

Ms. Marks described the process used by staff to make recommendations to the Advisory Committee.

III. Data Presentation
Aura Hanna

Data related to the priority areas was provided to the committee and a handout was given.

Ruby Turner asked if there was a way to speak to our legislators about making it a requirement for the teaching of anger management and conflict resolution in the educational system and also mandated parental attendance for training classes.

Laurel Marks explained that this Advisory Committee makes priority decisions for funding purposes. As proposals are reviewed, areas that fit within priority needs are easily identified. Also, state agency proxies can be contacted with concerns of the Committee.

In response to further questions about the Advisory Committee's role in addition to grants, Laurel Marks indicated that she would get back to the committee with a response at a later date.

Iris Jessie commented that the Advisory Committee members could also work as individual citizens with local legislative representatives to let them know their concerns.

IV. Program Updates
Title V – Laurel Marks

Because a local comprehensive delinquency prevention plan is required, we have left it to the localities to determine their greatest area of need. We have 12 existing programs.

Title II – Nancy Bacot

Title II monies have been used for intervention programs for juveniles with contact with juvenile justice system. Model programs are encouraged. Programs have been funded for young juvenile offenders under age 14 who are adjudicated delinquent or of a status offense. Funding this past year has allowed assessment of siblings on the premise that siblings will have the same environmental risk factors as delinquents and can be referred to prevention programs to keep them from entering the juvenile justice system.

There are new Young Juvenile Offender programs in rural, suburban and urban areas. There is a Title II grant to the DCJS Research Center to ensure that all sites are evaluated in the same fashion. The tool we have been using to standardize has not been as accurate as we had hoped, so we are fine tuning that. Standardizing how we are assessing services is very important.

JABG – Ursula Murdaugh

Provided an overview of JABG and included examples of those programs that received funding.

Challenge – Nancy Bacot

Challenge money is intended to affect juvenile justice policy in the prioritized areas. This year the prioritized areas include: truancy, developing truancy mediation to set standards to keep kids from going to court; and legal representation (the direction for this portion has not been determined as we are waiting to see how we can support potential initiatives that may be coming to fruition). Funding is uncertain for Challenge, so the Advisory Committee will not be setting priorities at this time.

Additional State Agency Reports
DJJ

DJJ is working to implement standardized intake officer procedures. Only a handful of states are using the standardized form and ours is automated.

Regarding Disproportionate Minority Contact, Shaunna Epps and Lynette Greenfield presented to juvenile court judges at Virginia Beach.

The Department of Labor awarded a grant as of October 1, 2003, to DJJ to do apprenticeships at correctional centers for juveniles 18 and up. DJJ is building a barbershop apprenticeship to begin on December 1, 2003, and will have an electrical and printing program effective November 1, 2003. They are looking at hiring an academic teacher to work with them on remedial skills and employment

skills. Statistics were reviewed on juveniles within the program to see if recidivism was reduced for those enrolled in the apprenticeship programs. Reports showed a 10% reduction in recidivism.

It was also brought to the attention of the Advisory Committee that DJJ has a new website format and can be viewed at www.djj.state.va.us.

Priority-Setting Title V

It will not be known until sometime in 2004 whether Virginia will have more Title V funding. DCJS has requested an extension of our oldest money, our 2001 dollars, to carry us through September 04, and will request an extension of the 2001 grant funding to carry us an additional quarter. Laurel Marks recommended to the committee that they continue the existing strategy of replication of model programs for Title V grantees if new money becomes available.

A motion was made by Gina Wood, seconded and unanimously approved, to recommend (if funds are available for new initiatives) that Virginia continue the existing practice of funding model programs that meet the local priority as identified in the locality's comprehensive delinquency prevention plan.

A motion was then made by Ruby Turner, seconded, and unanimously approved that if there is no new Title V funding available, Title II funds may be used for the continuation of Title V grants for FY05.

Title II

A motion was made by Iris Jessie, seconded and unanimously approved to make the first priority for FY 05 the continuation of funding to existing Title II projects that meet performance criteria. Following the continuation of existing projects, Title II funds will be used in one or more of the following areas: A) Young Juvenile Offenders, B) Truancy, C) Alternatives to Detention, D) Minority Over Representation in the Juvenile Justice System.

A motion was made by Susan Laughrun, seconded and unanimously approved to limit funding to local units of government only (no state agencies).

One-Time Special Fund

A motion was made to allow DCJS to submit a grant to DCJS for the amount of available unexpended Title II and JABG funds and then solicit one-time special fund proposals for expenditures such as consultants, equipment, supplies, and training, the dollar limits to be set by staff; also allowing transferring of applications between funding streams by staff as funding permits and as best meets the intent of each source of funding.

Questions were raised on two issues:

1. should the number of applications submitted be capped and;
2. should there be different categories for larger communities versus smaller communities.

There was some discussion around whether to set specific restrictions on funding prior to sending out the guidelines. It was pointed out that if the committee became too restrictive, then it might not address the localities' needs.

Gina Wood made the motion to allow DCJS to submit a grant to DCJS for the amount of available unexpended Title II and JABG funds and then solicit one-time special fund proposals for expenditures that meet the priorities of Title II and JAIBG and include such categories as consultants, equipment, supplies, and training. The motion was seconded and unanimously approved.

Grant Process

Laurel Marks

Susan Laughrun made a motion which was seconded and unanimously approved to continue the existing practice of:

- Concept papers submitted for new applications
- Concept papers reviewed by respective grant subcommittees
- Subcommittee inviting full applications
- New grants – full applications will be reviewed by the subcommittee
- Continuation grants – summaries will be reviewed by subcommittees (full applications available upon request)
- Subcommittee will make recommendations to full committee for funding upon review of new grant applications and continuation grant summaries

JABG

Iris Jessie made the motion that the sitting advisory committee affirms and accepts the funding priorities established by the previous Advisory Committee (Alternatives to Detention, Mental Health Needs, Pretrial and Post Dispositional/Release Services, Training and Technical Assistance and Continuations). The motion was seconded and unanimously approved.

It was requested that the Pretrial and Post-Dispositional Release Services priority be represented as aftercare.

A motion was made by Gina Wood to accept the funding priorities for JABG FY03 and FY04 as: Alternatives to Detention, Aftercare, and Mental Health Needs. The motion was seconded and unanimously approved.

Ruby Turner motioned that the committee accept the waiver of pass-through of approximately 40% of funding that will maintain the current level of eligible and participating localities, maintain level funding and matching funds will be limited to those localities that are in their first year of expenditure. It was seconded and unanimously approved.

A motion was made by Justin Wilson to approve for Federal FY04 the waiver of pass-through of a percentage of funding that will maintain the current level of eligible and participating localities, maintain level funding and matching funds will

be limited to those localities that are in their first year of expenditure. It was seconded and unanimously approved.

Gina Wood made a motion to approve a funding limit of up to 4 years for state and pooled fund grants, based on availability of funds and the performance of the grant toward meeting the intended goals for JABG. The motion was seconded and unanimously approved.

Iris Jessie made a motion to authorize the JABG subcommittee to approve a step-down strategy for continuation funding based on availability of funds and the performance of the grant toward meeting the intended goals for JABG. The motion was seconded and approved with one abstention (Ruby Turner).

New Business

Wayne Thomas gave a brief overview of the Ethnic and Cultural Diversity Training Conference, sponsored by the Coalition of Juvenile Justice, which he attended recently.

A motion was made by Iris Jessie to adjourn and was seconded and approved unanimously.